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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,494	02/12/2004	Ronald E. Roberts JR.	3965.002	5261

7590 05/18/2005

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EXAMINER

WINNER, TONY H

ART UNIT PAPER NUMBER

3611

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/777,494	ROBERTS, RONALD E.	
	Examiner	Art Unit	
	Tony H. Winner	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7-9 and 12-15 is/are allowed.
- 6) ☒ Claim(s) 5 and 10-11 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Election***

1. Applicants elect species I with traverse is acknowledged. The traverse is on ground of unduly burdensome on the examiner to examining all the claims as presented. The argument is not persuasive because claims 12-15 are directed to a process for making a boat trailer which belongs to class 29 subclass 897.2. Therefore, it would be a serious burden to locate and apply art to claim 12-15. However, applicant has amended claims 12-15 as dependent to an apparatus claims 1 and 7, respectively. Therefore, all claims will be examined. An action on the merits follows.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. patent 4,717,165) in view of Chuchua (U.S. patent 4,872,653).

Johnson discloses a boat trailer comprising:

a. two side beams positioned adjacent to each other, wherein each one of said side beams has a forward tongue forming portion converging toward the other one of said side beams for connection to a towing vehicle and a trailing boat-supporting portion extending parallel to the one of said side beams for supporting a boat thereupon,

b. at least one cross bar member extending between the boat-supporting portion of one of said side beams and the boat-supporting portion of the other one of said side beams,

c. at least two identical hangers, wherein said two identical hangers are connected to each of said side beams,

d. at least one spring, wherein said spring has two ends,

e. at least one axle, wherein said axle is attached to said spring, and wherein said axle has a rubber-tired wheel attached thereto.

Chucha lacks the teaching of at least two shackles interpose between the hanger and the spring.

Chuchua discloses two shackles interpose between the hanger and the spring for limiting the movement of an end of the leaf spring.

Based on the teaching of Chucha , it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the boat trailer of Johnson to include the shackles of Chuacha so as to provide a limited movement of the suspension system, thus provide greater control and stability of the trailer.

Johnson as modified by Chuchua discloses the claimed invention but lacks the teaching of any specific structure to the shackles. However, it would have been an obvious matter of design choice to make the shackles offset so as to provide the structure with a means to accommodate the spring with various sizes, and since the applicant has not disclosed that by using an offset shackle would solve any stated

problem or is for any particular purpose and it appears that the invention would perform equally well with the present teaching.

3. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. patent 4,717,165) in view of Allen (U.S. patent 5,951,231).

Johnson is disclosed above but lacks certain structure for the mounting hole.

Allen teaches a vehicle roof rack mounting system wherein the mounting holes are square so that these hole may accommodate square-necked bolts, thus facilitates the mounting process.

Based on the teaching of Allen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mounting holes of Johnson to include the square holes of Allen so that these hole may accommodate square-necked bolts, thus facilitates the mounting process.

With regard to claim 11, Johnson as modified by Allen meets all of the claimed limitations.

#### ***Allowable Subject Matter***

4. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 1-4, 7-9, and 12-15 are allowed.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Veal ('160), Poppell ('662), Rahijarvi ('872), Chambers ('124), Spoto et al. ('606), Priesgen et al. ('559), Poveromo ('664), Carrick ('324), Snoberger et al. ('231), and McKaig ('790) are cited of interest.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached at (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.



**TONY WINNER**  
**PATENT EXAMINER**

May 13, 2005